IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION No. 4:23-CV-100-D

JEREMY GRAHAM,)	
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Plaintiff,)	
v.)	ORDER
)	
WAYNE COUNTY SHERIFF'S)	
DEPARTMENT,)	
Defendant.	Ś	

On June 15, 2023, Jeremy Graham ("Graham" or "plaintiff"), appearing <u>pro</u> <u>se</u>, filed a complaint against the Wayne County Sheriff's Department [D.E. 1] and motion to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 2]. On June 22, 2023, the court referred the motion to Magistrate Judge Numbers for frivolity review [D.E. 5]. On July 27, 2023, Magistrate Judge Numbers issued an Order and Memorandum and Recommendation ("M&R") and recommended that the court grant Graham's motion to proceed in forma pauperis and dismiss the complaint without prejudice [D.E. 6]. On August 4, 2023, Graham objected to the M&R [D.E. 7].

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." <u>Diamond v. Colonial Life & Accident Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005) (alteration, emphasis, and quotation omitted); <u>see</u> 28 U.S.C. § 636(b). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond, 416 F.3d at 315 (quotation omitted). If a party makes only general objections, de novo

review is not required. See Wells v. Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). In "order

to preserve for appeal an issue in a magistrate judge's report, a party must object to the finding or

recommendation on that issue with sufficient specificity so as reasonably to alert the district court

of the true ground for the objection." Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation

omitted); see United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

The court has reviewed the M&R, the record, and Graham's objections. As for those

portions of the M&R to which Graham made no objection, the court is satisfied that there is no clear

error on the face of the record. See Diamond, 416 F.3d at 315. As for the objections, Graham's

objection states that he "will be bringing a lawsuit" against the officers but does not otherwise

dispute Judge Numbers's conclusion in the M&R that Graham failed to state a claim against the

Wayne County Sheriff's Department. The court agrees with Magistrate Judge Number's conclusion

and dismisses the action without prejudice.

In sum, the court OVERRULES plaintiff's objections to the M&R, GRANTS plaintiff's

application to proceed in forma pauperis [D.E. 2], ADOPTS the conclusions in the M&R [D.E. 6],

and DISMISSES WITHOUT PREJUDICE plaintiff's complaint for failure to state a claim upon

which relief can be granted [D.E. 1]. Plaintiff may file an amended complaint not later than

September 11, 2023.

SO ORDERED. This 11 day of August, 2023.

AMES C. DEVER III

United States District Judge

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